

determine, in each case, the ability of any such person, or of his or her relatives or other persons legally chargeable with his or her care, to make payment, in whole or in part, for the care of such person while a patient of such center. In making such investigation, the investigation unit shall require reports or statements to be made by such person, relatives or other person upon such forms as may be prepared by said unit. Public assistance payments shall be taken into consideration as financial resources.

(c) If as a result of such investigation, the unit shall determine that such person, his or her relatives, or other persons shall be required to pay for his or her care or a part thereof, it shall specify the amount of such payments to be made, which shall not exceed the average per diem cost of maintaining a patient in such center, and the times when the same are to be made. Such average per diem cost shall be determined annually by the State Comptroller and the State Budget Director between September 1 and December 1. The investigation unit is authorized to set the rate of payments retroactively to become effective as of the date of admission to the center or as of the date of beginning the investigations of the financial condition of the patient and of other persons legally chargeable for his maintenance and support, whichever is the later date; but the effective date may not be set more than six months prior to the date of the order unless there has been a failure on the part of the patient's guardian or committee or other persons legally chargeable with his maintenance and support, to file the financial reports or statements required by the investigation unit. The investigation unit shall have the power to require the relatives of any such persons or others legally chargeable with his or her care, to enter into appropriate and binding agreements with respect to the making of such payments, and may from time to time modify or change the terms thereof, as the circumstances may justify; except with respect to those patients who have been or shall remain in such center for a period in excess of thirty (30) months under any one admission, the rate chargeable to the family of the patient shall thereafter not exceed twenty-five (25) percent of the per capita cost. In arriving at the amount to be paid, the investigation unit shall have due regard for the financial means or abilities of the patient, or the person or persons legally responsible for the patient's maintenance and support, and whenever deemed necessary, may agree to accept a periodic sum for the patient's maintenance less than the per capita cost. Upon failure of a patient or other legally responsible person to make payment or enter into an agreement to make payment, the investigation unit shall refer the case to the central collection unit created within the Department